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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,178

12/23/2003

Li-Ming Cheng

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WPAT, PC

INTELLECTUAL PROPERTY ATTORNEYS

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EXAMINER

JOHNSON, BLAIR M

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/743,178

Applicant(s)

CHENG ET AL.

Examiner

Blair M. Johnson

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 50-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 50-55, 58-65 and 67-69 is/are rejected.
- 7) ☒ Claim(s) 56, 57 and 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

Claims 59-61 and 67-69 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 67-69, the use of three rotors has not been adequately disclosed. In claims 59,60,68 and 69, Roman shades, and wooden shutters have not been adequately disclosed. These features introduce new matter as well.

In claim 61, the recited relationship between a second secondary line and the first secondary line, etc., is not understood.

Claim Rejections - 35 USC § 103

Claims 50-55,58 and 61-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gertz on in view of Kuhar '100.

Gertz on discloses an upper longitudinally extending, straight channel 10 and a lower member, either the lowest slat or a well known bottom rail, suspended by primary lines 33 and secondary line 17, and four pulleys 34,35, over which the cords traverse. The location of the connection between lines 33 and line 17, as well as the movement of the connection over pulleys, is clearly an obvious design modification based on headrail size, blind length, number of pulleys, etc. What is not shown is the dual rotors and spring retraction system in a housing in the channel. However, such is well known in the art, as illustrated by Kuhar. It would have been obvious to modify Gertz on by replacing

the hanging portion of the manual, exposed, pull cord end 17 with the retraction means taught by Kuhar so as to create a balanced system as well as to remove the safety hazard inherent in the hanging cord 17. The location of the dual rotor member would be at the cord lock 13,14,16, etc. Regarding claim 65, the "secondary rotor member" reads on one of the pulleys in the headrail.

Allowable Subject Matter

Claims 56,57 and 66 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant states that no new matter is present and then says that the recited embodiment that uses two springs is not disclosed. The fact that the specification does not preclude certain features and structure is not grounds for introducing new matter.

The "desirability" of combining Kuhar with Gertzson is clearly stated, i.e. to create a balanced system as well as to remove the safety hazard inherent in a hanging cord. Motivation is abundantly clear. Both references are in the same field of endeavor, i.e. blinds. Utilizing the well known and disclosed advantages of Kuhar in place of the conventional hanging cord operator of Gertzson is clearly within the level of obvious of one having ordinary skill in the art of blinds. Gertzson is modified whereby the pull cord and cord lock are replaced by the balanced spring motor of Kuhar. The remaining structure of Gertzson remains intact, including the pulley system.

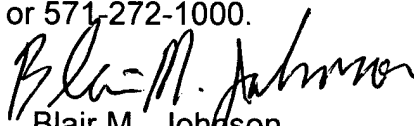
Regarding the secondary considerations, there has not been a nexus provided linking the alleged patentable features to the commercial success. Merely stating that the invention is sold by major departments stores is not persuasive. Such stores are full of unpatented and unpatentable items. Additionally, no objective data has been presented to support Applicant's assertions. Applicant further claims long felt need for a "cordless blind". A look at the prior art proves that cordless blinds have been available for years. Other claims including "failure by others" and "copying by others" is accompanied by subjective statements which are not persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blair M. Johnson whose telephone number is (571) 272-6830. The examiner can normally be reached on Mon.-Fri., 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3634

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Blair M. Johnson
Primary Examiner
Art Unit 3634

BMJ
1/5/07